

A GUIDE TO FILING REQUIREMENTS



Warren A. Cuntz, Jr., Clerk

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March 30, 2000

PREFACE

As a service to the Bar and the public, the U. S. Bankruptcy Court has compiled this Guide.

By complying with these requirements, you will expedite the processing of pleadings and the bankruptcy.

Please read the Guide carefully. Should you have any questions, you may call or come in to the Clerks Office Monday through Friday, 8:30 AM to 5:00 PM

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- **FOR EMERGENCY FILINGS**, you **MUST** make arrangements with the Clerks Office **BEFORE** the close of the business day.
 - A self-addressed, stamped envelope of appropriate size with sufficient postage **MUST** accompany all motions and orders, orders, and judgments.
 - All pleadings and documents filed **MUST** caption the Bankruptcy Case Name, Number, Chapter and Section and **MUST** contain original signature, complete address, telephone number and Bar Roll Number.
 - Orders **MUST** be filed as separate pleadings and **MUST** be properly captioned.
 - Corporations filing bankruptcy **MUST** be represented by counsel.
 - Contact the Clerks Office concerning requests for copies of closed cases archived in the Federal Records Center.

MISCELLANEOUS INFORMATION

OFFICE HOURS

Monday through Friday
8:30 A.M. to 5:00 P.M.
Except Holidays

DOCKET INFORMATION

Daily
8:30 AM - 5:00 PM

FILE/DOCKET SHEET REVIEW, COPYING & PRINTING

Daily
8:30 AM - 4:45 PM

FILING FEES

Chapter 7 Voluntary - \$200.00
Chapter 7 Involuntary - \$200.00
Chapter 11 Voluntary - \$830.00
Chapter 11 Involuntary - \$830.00
Chapter 12 - \$230.00
Chapter 13 - \$185.00
Adversary - \$150.00
Motion to Lift Stay - \$75.00
Motion to Withdraw Reference - \$75.00
Motion to Compel Abandonment - \$75.00
Motion to Convert from Chapter 7 or 13 to Chapter 11 - \$400.00
Motion to Convert to Chapter 7 - \$15.00
Notice of Appeal - \$105.00
Motion to Reopen - current Filing Fee

COPY COSTS

Docket Sheets - .50 per page
Certification - \$5.00 per pleading

REQUIREMENTS FOR ALL PETITIONS

ALL PETITIONS REQUIRE THE FOLLOWING:

- Debtor's Social Security Number or Federal Tax I.D. Number.
- Debtor's complete street address, city, state and Zip Code.
- Clear indication of the Chapter under which the Petition is filed.
- All signature and execution dates **MUST** be completed.
- ALL creditors' addresses **MUST** be complete with street, city, state and Zip Code and **CANNOT** exceed five (5) lines. If a creditor is a national "chain", i.e. Sears, the correct store/office address **MUST** be listed.
- Petitions filed Pro Se (without an attorney) **MUST** also include the Debtor's telephone number and **MUST** be paid by cash, money order or cashier's check.
- When filing additional document(s) with the Petition, i.e., "Application to Employ Counsel," **DO NOT** attach the additional document(s) to the Petition.
- An individual and a corporation **CANNOT** file on the same Petition.

Individuals filing under any chapter may request to pay fees in installments by completing an "Application to Pay Filing Fees in Installments," which form can be obtained from the Clerks Office.

PETITIONS WITHOUT SCHEDULES
MINIMUM REQUIREMENTS

CHAPTER 7 (Voluntary or Involuntary) -

\$200.00 Total Filing Fees
Original Mailing List (**Voluntary Only**)
Original and Two (2) copies of:
 Petition (Official Bankruptcy Form #1)
 List of All Creditors or copy of Mailing List
 Summons (**Involuntary Only**)

CHAPTER 11 (Voluntary or Involuntary) -

\$830.00 Filing Fees
Original Mailing List (**Voluntary Only**)
Original and Four (4) copies of:
 Petition (Official Bankruptcy Form #1)
 List of 20 Largest Unsecured Creditors
 List of All Creditors or copy of Mailing List
Original and Two (2) copies of summons (**Involuntary Only**)

CHAPTER 12 -

\$230.00 Filing Fees
Original Mailing List
Original and Four (4) copies of:
 Petition (Official Bankruptcy Form #1)
 List of All Creditors or copy of Mailing List

CHAPTER 13 -

\$185.00 Total Filing Fees
Original Mailing List
Original and One (1) copy of:
 Petition (Official Bankruptcy Form #1)
 List of All Creditors or copy of Mailing List

REQUIRED PETITION, LISTS, SCHEDULES,
STATEMENTS AND FEES
FOR FILING A VOLUNTARY CHAPTER 7

- Total Filing Fee of \$200.00, **OR**, if debtor is an individual paying fees in installments, a minimum payment of \$5.00 plus an "Application to Pay Filing Fees in Installments" (Official Bankruptcy Form #3 - B.R. 1006(b))
- Voluntary Petition (Official Form #1 - B.R. 1002(a) and the names and addresses of all creditors if Schedules are not filed with the Petition. (B.R. 1007(a))
- Schedule of Assets and Liabilities (Official Form #6 -11 U.S.C. §521(1)) If not submitted with the Petition, Schedules **MUST** be filed within 15 days of filing of the petition. (B.R. 1007(b) & (c))
- Statement of Financial Affairs (Official Form #7 -11 U.S.C. §521(1)) If not submitted with the Petition, Statement of Affairs **MUST** be filed within 15 days of filing of the petition. (B.R. 1007(b) & (c))
- Individual Debtor's Statement of Intention (Official Form #8 - 11 U.S.C. §521(2)(A)) If not filed with the Petition, Statement of Intention **MUST** be filed within 30 days of filing of the Petition or by the date set for the §341 Meeting of Creditors, whichever is earlier by any debtor who is an individual whose schedule of assets and liabilities contain consumer claims secured by property of the estate. (B.R. 1007(b)(2))
- Disclosure of Fee Statement (11 U.S.C. 329(a)) If not submitted with the Petition, Disclosure of Fee Statement **MUST** be filed within 15 days of filing of the petition (B.R. 2016(b))

CHAPTER 7 - LIQUIDATION

"I" denotes requirements for individuals

"C" denotes requirements for corporations

- 1) IC \$200.00 Total Filing Fee
- 2) IC Mailing List (original only, separate) (**Voluntary Only**)
- IC **Original and two (2) copies of:**
- 3) IC Petition and Signature Page including Exhibit B and Notice to Individual Consumer Debtor
- 4) C Corporate Resolution or Unsworn Declaration
- 5) IC Summary of Schedules
- 6) IC Schedules:
 - A. Real Property
 - B. Personal Property
 - C. Property Claimed Exempt
 - D. Creditors Holding Secured Claims
 - E. Creditors Holding Unsecured Priority Claims
 - F. Creditors Holding Unsecured Non-Priority Claims
 - G. Executory Contracts and Unexpired Leases
 - H. Codebtors
 - I. Current Income of Individual Debtor(s)
 - J. Current Expenditures of Individual Debtor(s)
- 7) IC Statement of Financial Affairs
- 8) IC Statement of Intentions (if applicable)
- 9) IC Disclosure of Fee Statement

In separate sets, assemble and staple documents #3 thru #9 in the order listed, keeping the original mailing list separate.

REAFFIRMATION AGREEMENTS

CHAPTER 7 ONLY

Pursuant to 11 U.S.C. §524(c), it is the responsibility of the debtor(s) and counsel to file the appropriate, properly executed reaffirmation agreement together with an affidavit of counsel as required by 11 U.S.C. §524(c)(3).

The reaffirmation agreement **MUST** contain a clear and conspicuous statement which advises the debtor(s) that the agreement may be rescinded at any time prior to discharge or within sixty (60) days after such agreement is filed with the Court, whichever occurs later, by notice of rescission to the holder of the claim.

The affidavit of counsel **MUST** state that such agreement represents a fully informed and voluntary agreement by the debtor(s) and does not impose an undue hardship on the debtor(s) or a dependent of the debtor(s) and that the debtor(s) has (have) been fully advised of the legal effect and consequences of such agreement and any default under the agreement.

Pursuant to §524(c)(6)(A), **ONLY** in the case of a debtor who is **NOT** represented by counsel is the Court required to hold a hearing to approve such an agreement, unless such debt is a consumer debt secured by real property. §524(c)(6)(B).

All Reaffirmations filed **MUST** comply with the appropriate Bankruptcy Rules and **MUST** be filed with the Court prior to the granting of debtor's discharge.

**REQUIRED PETITION, LISTS, SCHEDULES,
STATEMENTS AND FEES
FOR FILING A VOLUNTARY CHAPTER 11**

- Filing Fee of \$830.00 (B.R. 1006(a)) OR, if debtor is an individual paying in installments, a minimum payment of \$5.00 plus an "Application to Pay Filing Fees in Installments" (Official Form #3 - B.R. 1006(b))
- Voluntary Petition (Official Form #1 - B.R. 1002(a)) and the names and addresses of all creditors if Schedules are not filed with the Petition. (B.R. 1007(a))
- List of Creditors Holding 20 Largest Unsecured Claims (Official Form #4) This List **MUST** be filed with the Petition (B.R. 1007(d))
- List of Equity Security Holders If not filed with the Petition, List **MUST** be filed within 15 days of filing of the petition. (B.R. 1007(a)(3)).
- Schedule of Assets and Liabilities (Official Form #6 -U.S.C. §521(1)) If not submitted with the Petition, Schedule **MUST** be

filed within 15 days of filing of the petition (B.R. 1007(b) & (c))

- Statement of Financial Affairs (Official Form #7 - 11 U.S.C. §521(1)) If not submitted with the Petition, Statement **MUST** be filed within 15 days of filing of the petition (B.R. 1007 (b) & (c))
- Disclosure of Fee Statement (11 U.S.C. 329(a)) If not submitted with the Petition, Disclosure of Fee Statement **MUST** be filed within 15 days of filing of the petition (B.R. 2016(b))

NOTE: The Plan and Disclosure Statement **MUST** be filed within 120 days of the Order for Relief (11 U.S.C. §1121(b) unless the debtor is a small business and elects to be considered a small business, then the Plan and Disclosure Statement **MUST** be filed within 100 days of the Order for Relief (11 U.S.C. §1121(e))

Financial Reports **MUST** be filed monthly

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CHAPTER 11 - REORGANIZATION

"I" denotes requirements for individuals

"C" denotes requirements for corporation

- 1) IC \$830.00 Filing Fee
- 2) IC Mailing List (original only, separate) (**Voluntary Only**)

IC ORIGINAL AND FOUR (4) COPIES OF:

- 3) IC Petition and Signature Page
- 4) C Exhibit A
- 5) C Corporate Resolution or Unsworn Declaration
- 6) IC Summary of Schedules
- 7) IC Schedules:
 - A. Real Property
 - B. Personal Property
 - C. Property Claimed Exempt
 - D. Creditors Holding Secured Claims
 - E. Creditors Holding Unsecured Priority Claims
 - F. Creditors Holding Unsecured Non-Priority

Claims

- G. Executory Contracts and Unexpired Leases
- H. Codebtors
- I. Current Income of Individual Debtor(s)
- J. Current Expenditures of Individual Debtor(s)

- 8) IC Statement of Financial Affairs
- 9) IC Disclosure of Fee Statement
- 10) IC List of 20 Largest Unsecured Creditors

In separate sets, assemble and staple documents #3 thru #10 in the order listed, keeping the original mailing list separate.

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CHAPTER 11 INFORMATION

TABULATION OF BALLOTS:

Pursuant to Local Rule 3018-2, counsel for plan's proponent is to tabulate the acceptances and rejections of the Plan and is to have the tabulation verified by the Clerk of Bankruptcy Court at least three (3) days prior to the confirmation hearing date.

TABULATION OF BALLOTS MUST INCLUDE:

- 1) Proper case caption, identification of the Plan in question and modifications, if any;
- 2) Class of each creditor;
- 3) Total amount and number of creditors in each class;
- 4) Acceptances in amount and number of each class;
- 5) Rejections in amount and number of each class;
- 6) Recap of each class as to amount and number of acceptances and Amount and number of rejections.

REQUIRED PETITION, LISTS, SCHEDULES, STATEMENTS AND FEES FOR FILING A CHAPTER 12

- Filing Fee of \$230.00 (B.R. 1006(a)) **OR**, if debtor is an individual paying in installments, a minimum payment of \$5.00 plus an "Application to Pay Filing Fees in Installments" (Official Form #3 -B.R. 1006(b))
- Voluntary Petition (Official Form #1 - B.R. 1002(a)) and the names and addresses of all creditors if Schedules are not filed with the Petition (B.R. 1007(a))
- Schedule of Assets and Liabilities (Official Form #6 -11 U.S.C. §521(a)). If not submitted with the Petition, Schedule **MUST** be filed within 15 days of filing of the petition (B.R. 1007(b) & (c))
- Statement of Financial Affairs (Official Form #7 - 11 U.S.C. §521(1)) If not submitted with the Petition, Statement **MUST** be filed within 15 days of filing of the petition (B.R. 1007(b) & (c))

MOTION FOR FINAL DECREE:

A Motion for Final Decree may be filed when all of the following have been met:

- 1) Order confirming the plan has become final;
- 2) Deposits required by the plan have been completed;
- 3) All property proposed by the plan to be transferred has been Transferred;
- 4) Debtor or its successor under the plan has assumed the business or management of the property dealt with by the plan;
- 5) Payments under the plan have been commenced; and
- 6) All motions, contested matters and adversary proceedings have been finally resolved.

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- Disclosure of Fee Statement (11 U.S.C. 329(a)) If not submitted with the Petition, Disclosure of Fee Statement **MUST** be filed within 15 days of filing of the petition (B.R. 2016(b))

NOTE: Chapter 12 Plan **MUST** be filed within 90 day of the filing of the Petition (11 U.S.C. §1221)

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CHAPTER 12 - FAMILY FARMER

**REQUIRED PETITION, LISTS, SCHEDULES,
STATEMENTS AND FEES
FOR FILING A CHAPTER 13**

"I" denotes requirements for individuals

"C" denotes requirements for corporations

- 1) IC \$230.00 Filing Fee
- 2) IC Mailing List (original only, separate)
- IC **Original and four (4) copies of:**
- 3) IC Petition and Signature page
- 4) C Corporate Resolution or Unsworn Declaration
- 5) IC Summary of Schedules
- 6) IC Schedules:
 - A. Real Property
 - B. Personal Property
 - C. Property Claimed Exempt
 - D. Creditors Holding Secured Claims
 - E. Creditors Holding Unsecured Priority Claims
 - F. Creditors Holding Unsecured Non-Priority
- Claims
 - G. Executory Contracts and Unexpired Leases
 - H. Codebtors
 - I. Current Income of Individual Debtor(s)
 - J. Current Expenditures of Individual Debtor(s)
- 7) IC Statement of Financial Affairs
- 8) IC Disclosure of Fee Statement

In separate sets, assemble and staple documents #3 thru #8 in the order listed, keeping the original mailing list separate.

- Filing Fee of \$185.00, **OR**, if debtor is an individual paying fees in installments, a minimum payment of \$5.00 plus an "Application to Pay Filing Fees in Installments". (Official Bankruptcy Form #3 & B.R. 1006(b))
- Voluntary Petition (Official Form #1 & B.R. 1002(a)) and the names and addresses of all creditors if Schedules are not filed with the Petition (B.R. 1007(a))
- Schedule of Assets and Liabilities (Official Form #6 - 11 U.S.C. §521(1)). If not submitted with the Petition, Schedule **MUST** be filed within 15 days of filing of the petition (B.R. 1007(b) & (c))
- Statement of Financial Affairs (Official Form #7 - 11 U.S.C. § 521(a)). If not submitted with the Petition, Statement **MUST** be filed within 15 days of filing of the petition (U.S.C. §521(a) & B.R. 1007 (b) & (c))
- Disclosure of Fee Statement (11 U.S.C. 329(a)) If not submitted with the Petition, Disclosure of Fee Statement **MUST** be filed within 15 days of filing of the petition (B.R. 2016(b))
- Chapter 13 Plan (11 U.S.C. §1321) If not submitted with the Petition, the Plan **MUST** be filed within 15 days of the filing of the Petition (B.R. 3015)

CHAPTER 13 - WAGE EARNER

CORPORATIONS CANNOT FILE UNDER CHAPTER 13

- 1) \$185.00 Total Filing Fee
- 2) Mailing List (original only, separate)

Original and one (1) copy of:
- 3) Petition and Signature Page
- 4) Summary of Schedules
- 5) Schedules:
 - A. Real Property
 - B. Personal Property
 - C. Property Claimed Exempt
 - D. Creditors Holding Secured Claims
 - E. Creditors Holding Unsecured Priority Claims
 - F. Creditors Holding Unsecured Non-Priority Claims
 - G. Executory Contracts and Unexpired Leases
 - H. Codebtors
 - I. Current Income of Individual Debtor(s)
 - J. Current Expenditures of Individual Debtor(s)
- 6) Statement of Financial Affairs
- 7) Disclosure of Fee Statement
- 8) Chapter 13 Plan

In separate sets, assemble and staple documents #3 thru #7 in the order listed, keeping the mailing list and the original Chapter 13 Plan separate.

ADVERSARY PROCEEDINGS

An Adversary Proceeding is commenced by the filing of a Complaint. Adversary Proceedings are assigned an Adversary Proceeding Number which is different from the Bankruptcy Case Number.

FILING REQUIREMENTS:

- 1) \$150.00 Filing Fee
(Except for Chapter 7 or Chapter 13 debtors,
a federal agency, or a trustee in a no-asset case)
- 2) Adversary Cover Sheet - Original only.
- 3) Complaint - Original and One (1) copy.
- 4) Summons - Original and Two (2) copies.

All pleadings and documents filed in an adversary proceeding **MUST** bear the adversary caption with the adversary and bankruptcy case numbers.

For process and service of summons and complaints, see Bankruptcy Rule 7004 and Local Rule 7004-1.

PLEADINGS AND CLAIMS
NUMBER OF COPIES REQUIRED

ORIGINAL:

Notice of Appearance
Change of Address
Chapter 7 or 11 Proof of Claim
Certificate of Service (Adversary and Chapter 13)
Affidavit (Adversary and Chapter 13)
Disclosure of Attorney Compensation
Notice of Deposition (Adversary and Chapter 13)
Motion with Notice of Hearing (Chapter 13)

ORIGINAL AND ONE (1) COPY:

Tabulation of Ballots
Motion with Notice of Hearing (Adversary)
Certificate of Service
Affidavit
Notice of Deposition
Chapter 12 or 13 Proof of Claim
Motion with Order, Orders, and Judgments (Adversary)
Pre-trial Order (Adversary)
Stipulation (Adversary)
Stipulation and Order (Adversary)
Memorandum (Adversary and Chapter 13)
Response, Opposition, or Objection (Adversary and Chapter 13)

ORIGINAL AND TWO (2) COPIES:

Disclosure Statement
Plan of Reorganization
Pre-trial Order
Schedules
Amended Schedules
Response, Opposition, Objection, Memorandum, Stipulation
Motion with Notice of Hearing
Objection to Claim with Notice of Hearing
Motion with Order, Orders, and Judgments (Chapter 13)

ORIGINAL WITH THREE(3) COPIES:

Motion with Order, Orders, and Judgments

Motions with Orders, Orders, and Judgments **MUST** be accompanied by a self-addressed, stamped envelope.

SERVICE OF PLEADINGS AND NOTICES

Pursuant to Local Rules 9013-1 and 9013-3 et seq., it is the movant's responsibility to make timely service of pleadings and notices on the appropriate parties mandated by the Bankruptcy Rules and Code and to file a certificate or affidavit of service subsequent thereto pursuant to Local Rules 9013-1 and 9013-3.

Certain motions, applications, agreed orders, etc. require service of the pleading on the appropriate parties as well as notice to all creditors.

All notices to creditors **MUST** contain certain information as mandated by the Bankruptcy Rules.

To facilitate mailing of notices, a copy of the mailing matrix is available upon request from the Clerks Office at a cost of .50 cents a page or portion thereof.

Failure to properly serve a pleading and/or notice may result in the re-scheduling or dismissal of the pleading.

SERVICE OF SUMMONS

For Process and Service of Summons and Complaints, see Bankruptcy Rule 7004 and Local Rule 7004-1.

APPEALS

See Bankruptcy Rules 8001 through 8019
governing all aspects of appeals

*As there may be various motions and events in a particular case which affect the proper, timely filing of an appeal, **IT IS COUNSEL'S RESPONSIBILITY** to determine deadlines based upon each particular case.*

A Notice of Appeal of an Interlocutory Order **MUST** be accompanied by a Motion for Leave to Appeal. A Motion for Leave to Appeal is filed in the Bankruptcy Court but ruled on by a District Judge.

CONSOLIDATION

Consolidation involves the joining of two or more cases for ALL purposes, including the combining of assets and liabilities of separate estates into a single pool to pay creditors. Once cases have been consolidated, they are

treated as one case for all purposes, thus, a single docket sheet and a single claims register.

JOINT ADMINISTRATION

Joint Administration involves the combining of two or more cases in the interest of efficiency and economy. It involves the combining of notices to creditors and the joint handling of other purely administrative matters that may aid in expediting the cases and rendering the process less costly. It **MAY**, as the Judge directs, involve the use of a single docket sheet and a single claims register.

Unlike Consolidation, Joint Administration **DOES NOT** involve the pooling of the assets and liabilities of the estates being jointly administered.

TELEPHONE NUMBERS AND EXTENSIONS

BANKRUPTCY JUDGES

HON. T. M. BRAHNEY, III, Chief Judge	589-7800
HON. JERRY A. BROWN	589-7810
HON. T. H. KINGSMILL, JR.	589-7815

DIRECTORY OF COURT PERSONNEL

All court personnel may be contacted by dialing 589-7878.

NAME	SECTION	TELEPHONE
Anna Alexander	Case Administrator (10-19)	589-7844
John Alwert	Intake/Records/Notice Clerk	589-7826
Gene Ann Avenel	Court Recorder Operator	589-7829
Evelyn Bates	Case Administrator (60-69)	589-7838
Bill Bonnaffons	Case Administrator (90-99)	589-7841
Mitzie Boudreaux	Case Administrator (40-49)	589-7837
Eric Brunies	PC System Administrator	589-7872
H. Charles Busch	Chief Deputy Clerk	589-7822
Helen Crotty	Training Coordinator	589-7815
Warren A. Cuntz, Jr.	Clerk of Court	589-7878
Marian Deerey	Personnel/Secretary to Clerk	589-7821
Amy Descant	Case Administrator (70-79)	589-7836
Gaynell Donelon	Intake/Records/Notice Clerk	589-7828
Jane Eberts	Case Administrator (20-29)	589-7839
Lisa Edwards	Case Administrator (00-09)	589-7840
Kevin Foe	Intake/Records/Notice Clerk	589-7831
Jo Ann Kelly	Judicial Assistant to Judge Brahney	589-7800

Camela Kirshbom	Case Administrator (80-89)	589-7890
Pauline Lane	Case Admin. Supervisor	589-7835
Carolyn Little	Procurement Administrator	589-7863
Carlis Lovely	Intake/Records/Notice Asst. Supr.	589-7864
Lisa Matrana	Courtroom Deputy - Judge Brown	589-7811
Sean McGinn	Intake/Records/Notice Clerk	589-7827
Theresa Payne	Case Admin. Asst. Supr. (30-39)	589-7842
Denise Porche	ICMS Systems Administrator	589-7871
Frank Radosta	Systems Manager	589-7870
Chrystal Raymond	Intake/Records/Notice Clerk	589-7832
Brian Richoux	Intake/Records/Notice Supervisor	589-7825
Paul Schmitt	Case Administrator (50-59)	589-7843
Robert Seuzeneau	Budget Analyst	589-7861
Betty Smith	Financial Administrator	589-7862
Demond Smith	Court Recorder Operator	589-7891
Fran Sturtz	Intake/Records/Notice Clerk	589-7830
Gretchen Thiberville	Law Clerk to Judge Brahney	589-7803
Ann Virgadamo	Judicial Assistant to Judge Brown	589-7810
Cheryl Vogel	Fiscal Administration Supervisor	589-7860
Lucille Walker	Courtroom Deputy - Judge Brahney	589-7802
Voice Case Information System		589-7879